



22 SEP 2006

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RESEARCH TRIANGLE PARK NC 27709-3398

In re Application of	:	
MILLER et al	:	
Application No.: 10/568,051	:	
PCT No.: PCT/US2004/026252	:	
Int. Filing Date: 11 August 2004	:	NOTIFICATION
Priority Date: 11 August 2003	:	
Attorney Docket No.: PR60436USW	:	
For: PHARMACEUTICAL METERED DOSE	:	
INHALER AND METHODS RELATING THERETO	:	

This application is before the PCT Legal Office for consideration of matters under 35 USC 371.

### **BACKGROUND**

On 11 August 2004, applicants filed international application No. PCT/US2004/026252, which claims a priority date of 11 August 2003.

On 10 February 2006, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee, and an executed declaration was submitted at such time.

### **DISCUSSION**

The executed declaration of the inventors is not acceptable at this time, in that the name of the first named inventor, GODFREY, Anne, has been deleted in the declaration since this inventor was listed on the international application. Also applicants have not provided proper documentation, such as PCT/IB/306, supporting the deletion of the inventor.

Applicants will need to file a statement of deleting an inventor under 37 CFR. 1.497(d). A submission under 37 CFR 1.497(d) must include:

- (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (2) the fee set forth in § 1.17(I); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

Alternatively, applicants may provide a showing that deleted inventor GODFREY, Anne was effected in accordance with PCT Rule 92Bis prior to the filing of the present national stage application.

### **CONCLUSION**

For the reasons above, the application may not enter into national stage processing at this time.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision, that is, for issuance of a "NOTIFICATION OF A DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) because the declaration was not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

A proper response must be filed within TWO (2) MONTHS non-extendable time period from the mail date of this notification. The response should include a cover letter entitled "Submission Under 37 CFR 1.497." Failure to timely respond will result in the abandonment of the application.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the office of PCT Legal Administration.



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